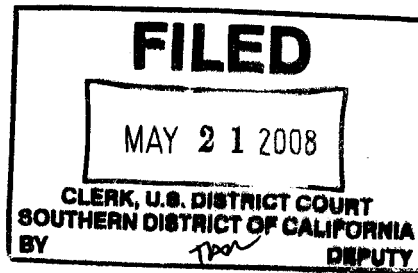


105A



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Mag. Case No. **'08 MJ 8452**
)
Plaintiff,) COMPLAINT FOR VIOLATION OF:
)
v.) Title 8, U.S.C., Section 1326
) Deported Alien Found In the United States
Oscar RODRIGUEZ-Aguilar,)
)
)
Defendant.)

The undersigned complainant, being duly sworn, states:

On or about May 19, 2008, within the Southern District of California, defendant Oscar RODRIGUEZ-Aguilar, an alien, who previously had been excluded, deported, or removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4) , and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 21st DAY OF MAY 2008.

PETER C. LEWIS
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Oscar RODRIGUEZ-Aguilar

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the statements of the
6 apprehending Border Patrol Agent, J. Busscher, that the Defendant, Oscar RODRIGUEZ-
7 Aguilar, was found and arrested on May 19, 2008 east of the Calexico, California.

8 The Remote Video Surveillance Systems operator observed two individuals walking
9 north across the United States/Mexico International Boundary. Agent Busscher who was
10 performing his assigned Border Patrol duties approximately 7 miles east of Calexico responded
11 to the area. Agent Busscher found both subjects hiding in a toll both. One of the subjects was
12 identified as Oscar RODRIGUEZ-Aguilar. Agent Busscher questioned RODRIGUEZ-Aguilar as
13 to his immigration status to be in the United States. Agent Busscher determined RODRIGUEZ-
14 Aguilar was a citizen of Mexico illegally in the United States. RODRIGUEZ-Aguilar was
15 placed under arrest and transported to the Calexico Border Patrol Station.

16 Record checks revealed RODRIGUEZ-Aguilar was Expedited Removed from the United
17 States to Mexico on April 24, 2008. Record checks also revealed RODRIGUEZ-Aguilar has an
18 extensive criminal history.

19 There is no evidence RODRIGUEZ-Aguilar has sought or received permission from the
20 Attorney General or the Secretary of the Department of Homeland Security to re-enter the United
21 States.